

## CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"

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By: 

Sarah M. Barnett



## PATENT

Customer Number: 22,852

Attorney Docket No. 04121.0116-08000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 Holly HOGREFE et al. ) Group Art Unit: 1634  
 Application No.: 10/738,917 ) Examiner: Thomas John O'FARRELL  
 Filed: December 16, 2003 )  
 For: POLYMERASE ENHANCING ) Confirmation No. 8386  
 FACTOR (PEF) EXTRACTS, PEF )  
 PROTEIN COMPLEXES, ISOLATED )  
 PEF PROTEIN, AND METHODS FOR )  
 PURIFYING AND IDENTIFYING )

**MAIL STOP AMENDMENT**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the enclosed IDS Form PTO/SB/08. This Information Disclosure Statement is being filed, to the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of some of the listed documents were previously submitted or were cited by the Examiner in at least one of parent U.S. Patent Application No. 09/399,003, filed September 20, 1999; parent U.S. Patent Application No. 08/957,709, filed October 24,

1997; and parent U.S. Patent Application No. 08/822,774, filed March 21, 1997; which Applicants rely upon for the benefits provided in 35 U.S.C. § 120, and accordingly copies of those documents are not enclosed.

Copies of the listed foreign and non-patent literature documents that were not cited in at least one of the parent applications are enclosed. Copies of the U.S. patents and patent publications are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the enclosed form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the claimed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please  
charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 10, 2006

By:



Michael R. Albrecht  
Reg. No. 54,956  
Customer No. 22,852

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IDS Form PTO/SB/08: Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/738,917
(Use as many sheets as necessary)				Filing Date	December 16, 2003
				First Named Inventor	Holly HOGREFE et al.
				Art Unit	1634
				Examiner Name	Thomas John O'FARRELL
Sheet	1	of	7	Attorney Docket Number	04121.0116-08000

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
0132		US-4,376,110	03-08-1983	David et al.	
MAR 10 2005		US-4,683,202	07-28-1987	Mullis	
		US-4,795,699	01-03-1989	Tabor et al.	
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		US-5,079,352	01-07-1992	Gelfand et al.	
		US-5,210,036	05-11-1993	Comb et al.	
		US-5,310,652	05-10-1994	Gelfand et al.	
		US-5,322,785	06-21-1994	Comb et al.	
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		US-6,410,277 B1	06-25-2002	Barnes
		US-6,444,428 B1	09-03-2002	Hogrefe

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS							
Examiner Initials	Copy Encl. <sup>4</sup>	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
	Y		DE 196 12779A1	10-02-1997	Boehringer Mannheim GmbH		
	Y		EP 0 265 293 B1	04-27-1988	Tabor et al.		
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	Y		EP 0 502 589 A2	09-09-1992	Mullis et al.		
	N		EP 0 669 401 A2	08-30-1995	Cheng et al.		
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	N		EP 0 745 687	12-04-1996	Frey et al.		Abstract
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	Y		WO 01/09347 A3	02-08-2001	Hogrefe et al		
	Y		WO 01/16333 A1	03-08-2001	Allen et al.		

<sup>4</sup> Copies that are not enclosed were previously submitted by the applicants or cited by the Examiner or are U.S. Patents or published applications.

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NON PATENT LITERATURE DOCUMENTS				
Examiner Initials <sup>4</sup>	Copy Encl. <sup>5</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
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	Y		Anonymous, "Recombinant Vent <sub>R</sub> ™ DNA Polymerase," <i>The Neb Transcript</i> , 1991, Vol. 3, page 4.	
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<sup>4</sup> Copies that are not enclosed were previously submitted by the applicants or cited by the Examiner or are U.S. Patents or published applications.

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**NON PATENT LITERATURE DOCUMENTS**

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IDS Form PTO/SB/08: Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				<i>Application Number</i>	10/738,917
(Use as many sheets as necessary)				<i>Filing Date</i>	December 16, 2003
				<i>First Named Inventor</i>	Holly HOGREFE et al.
				<i>Art Unit</i>	1634
				<i>Examiner Name</i>	Thomas John O'FARRELL
Sheet	7	of	7	<i>Attorney Docket Number</i>	04121.0116-08000

<b>NON PATENT LITERATURE DOCUMENTS</b>			
	Y	Amendment After Final filed November 7, 2003, in U.S. Patent Application No. 08/957,709, filed October 24, 1997.	
	Y	Advisory Action mailed April 20, 2004, in U.S. Patent Application No. 08/957,709, filed October 24, 1997.	
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	Y	Response filed February 13, 2006, in U.S. Patent Application No. 09/631,613, filed August 4, 2000.	

Examiner Signature		Date Considered	
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